

PB#10-23

250 Lake Street

9-1-34

42-2-11

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR USE OF AN EXISTING PARKING AREA AS PART OF A MOTORCYCLE
SAFETY SCHOOL**

*250 Lake Street Site Plan
PB #10-23*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by 250 Lake Street Properties, LLC (the "applicant") for a project described as the "250 Lake Street Site Plan"; and

WHEREAS, the subject site consists of +/- 12.07 acres of land and comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 4, block 1, and lot 34 (SBL 4-1-34); and

WHEREAS, the subject site is split by the municipal boundary between the Town of New Windsor and the City of Newburgh, and therefore, is also comprised of one tax map parcel located at 250 Lake Street in the City of Newburgh identified on the tax map as section 42, block 2, and lot 4 (SBL 42-2-4); and

WHEREAS, the action involves a request for a site plan approval for the use of a portion of the parking area of the former Miron's property as a motorcycle safety school; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the City of Newburgh Planning Board conducted an coordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, in accordance with the Planning Board's authority under Town Code §300-86, the Planning Board waived the public hearing on the site plan approval; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") by the City of Newburgh Planning Board for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of one sheet, prepared by Hudson Land Design Professional Engineering P.C. dated June 30, 2010 and last revised on December 20, 2010; and

WHEREAS, the Planning Board of both the City of Newburgh and the Town of New Windsor has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, the City of Newburgh Planning Board, as lead agency, adopted a Negative Declaration as part of the approval of the site plan.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The site plan approval is conditional on the uniform ownership of the Town of New Windsor tax map parcel (SBL: 4-1-34) and the City of Newburgh tax map parcel (SBL: 42-2-4) as found in Note "4" on the site plan;
5. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town of New Windsor Zoning Law § 300-86(E). This approval will expire on January 7, 2012 and no further extensions can be granted.

Upon motion made by Member Mr. Vankeulen, seconded by Member Mr. Schlienger, the foregoing resolution was adopted as follows:

| | | | | |
|---------------------------|------------|-----|---------|--------|
| Member, Daniel Gallagher | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Howard Brown | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Neil Schlesinger | <u>Aye</u> | Nay | Abstain | Absent |
| Member, Henry Vanleeuwen | <u>Aye</u> | Nay | Abstain | Absent |
| Chairman, Genaro Argenio | <u>Aye</u> | Nay | Abstain | Absent |
| - - - | | | | |
| Alternate, Henry Schieble | Aye | Nay | Abstain | Absent |
| Alternate, Harry Ferguson | Aye | Nay | Abstain | Absent |

Dated: January 12, 2011
New Windsor, New York

Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this _____ day
of January, 2011.

Deborah Green
Town Clerk

PLANNING BOARD

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No:10-23

File Date:09/22/2010

SEC-BLK-LOT:9-1-34-0

Project Name:250 LAKE STREET SITE PLAN

Type:3

Location: 250 LAKE STEET, NEWBURGH NY 12550

Owner's Name:250 LAKE STREET PROPERTIES, LLC
Address:250 LAKE STREET, NEWBURGH NY 12550

Phone:(845) 565-2806

Applicant's Name:250 LAKE STREET PROPERTIES, LLC
Address:250 LAKE STREET, NEWBURGH NY 12550

Phone:(845) 565-2806

Preparer's Name:HUDSON LAND DESIGN, PC
Address:176 MAIN STREET, BEACON NY 12508

Phone:(845) 440-6926

Proxy/Attny's Name:ALLAN RAPPLEYEA
Address:35 MARKET ST POUGHKEEPSIE, NY 12601

Phone:(845) 454-1110

Notify:JON BODENDORF

Phone:(845) 440-6926

Size:

Acreage
12.070

Zoned
C

Prop-Class
0

Stage

Status
A

Printed-on
04/13/2011

Schl-Dist

Sewr-Dist

Fire-Dist

Light-Dist

Appl for:PARCEL IN NEW WINDSOR TO BE USED FOR PARKING AND CYCLE
SAFETY SCHOOL, AUXILIARY USES TO OFFICE AND WAREHOUSE AND
STORAGE GALLERY USE

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

○ Town of New Windsor ○
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#181-2011

04/19/2011

Motorcyclepedia

Received \$ 125.00 for Planning Board Fees, on 04/19/2011. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

close out

DATE RECEIVED: 4/18/11
OVER ESCROW

FOR: PB#10-23 **AMOUNT**

FROM: **MOTORCYCLEPEDIA**
250 LAKE STREET
NEWBURGH, NY 12550

Escrow 750.00

T/Adm to Gen'l fund 750.00
Direct to Gen'l fund 876.00
1626.00

CHECK NUMBER: 1025

Expenses 1626.00

AMOUNT: **876.00**

Plumpton 4/18/11

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PB# 10-23 Amount Over Escrow
MOTORCYCLEPEDIA 01-11 1025
250 LAKE ST
NEWBURGH, NY 12550

PAY to the order of Town of New Windsor Date 4-13-2011 \$ 876.00
Eight Hundred Seventy Six no/100 Dollars

TD Bank America's Most Convenient Bank®

FOR Amount Over Escrow Jean L. Lara

⑈001025⑈ ⑈031201360⑈ 4255701871⑈



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

April 7, 2011

Hudson Land Design, PC
176 Main Street
Beacon, NY 12508

ATTN: Mr. Jon Bodendorf

SUBJECT: PB# 10-23- 250 Lake Street

Dear Mr. Bodendorf:

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

| | | |
|------------------------------------|----|--------|
| Check #1 – Approval Fee..... | \$ | 125.00 |
| Check #2 – Amount Over Escrow..... | \$ | 876.00 |

Upon receipt of these checks, I will have them stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

NTJ

SENT April 7th

TOWN OF NEW WINDSOR

SITE PLAN FEES

SPECIAL PERMIT: (FLAT FEE) \$250.00

APPLICATION FEE:

\$ 125.00 paid
\$ 750.00 paid

ESCROW: (\$750.00 - \$2,000.00)

~~MULTI-FAMILY ESCROW:~~

~~\$100.00 EA. FOR FIRST 40 UNITS~~

~~\$ (A)~~

~~EA. OVER 40: @ \$25.00 / UNIT~~

~~\$ (B)~~

~~TOTAL A & B: \$~~

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY)

CK #1

\$ 125.00

~~PLAN REVIEW - MULTI-FAMILY:~~

~~\$ 100.00 (A)~~

~~PLUS \$25.00/UNIT~~

~~\$ (B)~~

~~TOTAL A & B: \$~~

~~RECREATION FEE: (MULTI-FAMILY ONLY)~~

~~UNITS @ \$3,500.00 PER UNIT~~

~~\$~~

~~PERFORMANCE BOND / COST ESTIMATE AMOUNT \$~~

~~INSPECTION FEE:~~

~~2% PRIVATE IMPROVEMENTS~~

~~\$~~

~~4% PUBLIC IMPROVEMENTS~~

~~\$~~

TO BE DEDUCTED FROM ESCROW:

ESCROW POSTED: \$ 750.00 paid

P.B. ENGINEER FEE

\$ 709.50

P.B. ATTY. FEE

\$ 832.50

MINUTES OF MEETING

\$ 84.00

OTHER

\$ 0.00

TOTAL DEDUCTION: \$ 1626.00

CK #2

REFUND:

\$

AMOUNT DUE:

\$

876.00

Apr 4/2011

e, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd C

10-23

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Client Ledger

ALL DATES

| Date | Received From/Paid To | Chq# | Rec# | General | Disbs | Fees | Bld | Trust Activity | Balance |
|----------------------------|--|--------|------|---------|-------|--------|-------|----------------|------------------|
| Entry # | Explanation | | | | | | Inv# | Acc | |
| 12132A TOWN OF NEW WINDSOR | | | | | | | | | |
| 6323723 | 250 LAKE STREET SITE PLAN // PB# 10-23 | | | | | | | | |
| Sep 27/2010 | Lawyer: DRC 0.50 Hrs X 185.00 | | | | | | | | Resp Lawyer: DRC |
| 362162 | REVIEW APPLICATION AND RELATED MATERIALS | | | | | 92.50 | 18124 | | |
| Oct 18/2010 | Billing on Invoice 18124 | | | | | | | | |
| 365072 | FEES 92.50 | | | | 0.00 | | 18124 | | |
| Oct 27/2010 | Lawyer: DRC 0.30 Hrs X 185.00 | | | | | | | | |
| 369802 | REVIEW M. EDSALL'S COMMENTS | | | | | 55.50 | 18643 | | |
| Oct 27/2010 | Lawyer: DRC 0.40 Hrs X 185.00 | | | | | | | | |
| 369816 | ATTEND PLANNING BOARD MEETING | | | | | 74.00 | 18643 | | |
| Nov 22/2010 | Billing on Invoice 18643 | | | | | | | | |
| 374485 | FEES 129.50 | | | | 0.00 | | 18643 | | |
| Dec 3/2010 | TOWN OF NEW WINDSOR | | | | | | | | |
| 377656 | PMT - PAYMENT ON ACCOUNT | 021291 | | 129.50 | | | | | |
| Dec 13/2010 | TOWN OF NEW WINDSOR | | | | | | | | |
| 379476 | PMT - PAYMENT ON ACCOUNT | 021328 | | 92.50 | | | | | |
| Jan 6/2011 | Lawyer: DRC 0.10 Hrs X 185.00 | | | | | | | | |
| 386267 | REVIEW M. EDSALL'S COMMENTS | | | | | 18.50 | 19504 | | |
| Jan 7/2011 | Lawyer: DRC 0.13 Hrs X 185.00 | | | | | | | | |
| 386297 | TELEPHONE CONFERENCE WITH M. EDSALL | | | | | 18.50 | 19504 | | |
| Jan 7/2011 | Lawyer: DRC 0.25 Hrs X 185.00 | | | | | | | | |
| 386298 | REVIEW/REVIEWING AND RESPONDING TO VARIOUS REVISIONS | | | | | 46.25 | 19504 | | |
| Jan 10/2011 | Lawyer: DRC 0.40 Hrs X 185.00 | | | | | | | | |
| 386333 | REVIEW REVISED PLANS AND RELATED MATERIALS | | | | | 74.00 | 19504 | | |
| Jan 10/2011 | Lawyer: ALZ 1.20 Hrs X 185.00 | | | | | | | | |
| 386350 | PREPARE RESOLUTION GRANTING SITE PLAN APPROVAL | | | | | 222.00 | 19504 | | |
| Jan 10/2011 | Lawyer: ALZ 0.25 Hrs X 185.00 | | | | | | | | |
| 386351 | REVIEW ENGINEERING NOTES | | | | | 46.25 | 19504 | | |
| Jan 11/2011 | Lawyer: ALZ 0.50 Hrs X 185.00 | | | | | | | | |
| 386463 | REVISE RESOLUTION AND REVIEW SITE DOCUMENTS | | | | | 111.00 | 19504 | | |
| Jan 11/2011 | Lawyer: ALZ 0.10 Hrs X 185.00 | | | | | | | | |
| 386479 | E-MAIL NICCOLI AT PLANNING BOARD DEPT | | | | | 18.50 | 19504 | | |
| Feb 13/2011 | Lawyer: DRC 0.10 Hrs X 185.00 | | | | | | | | |
| 393378 | AGGREGATE TIME REPORT REVIEWING AND COMMENT ON THE DRAFT APPROVAL RESOLUTION | | | | | 37.00 | 19766 | | |
| Feb 14/2011 | Billing on Invoice 19504 | | | | | | | | |
| 393139 | FEES 0.00 | | | | 0.00 | | 19504 | | |
| Feb 14/2011 | Lawyer: ALZ 0.10 Hrs X 185.00 | | | | | | | | |
| 394259 | REVISE 250 LAKE RESOLUTION GRANTING SITE PLAN APPROVAL | | | | | 48.50 | 19766 | | |
| Mar 11/2011 | TOWN OF NEW WINDSOR | | | | | | | | |
| 398832 | PMT - PAYMENT ON ACCOUNT | 024352 | | 397.75 | | | | | |
| Mar 11/2011 | TOWN OF NEW WINDSOR | | | | | | | | |
| 398833 | PMT - PAYMENT ON ACCOUNT | 024352 | | 157.25 | | | | | |
| Mar 14/2011 | Billing on Invoice 19766 | | | | | | | | |
| 398928 | FEES 0.00 | | | | 0.00 | | 19766 | | |
| Mar 25/2011 | TOWN OF NEW WINDSOR | | | | | | | | |
| 402078 | PMT - PAYMENT ON ACCOUNT | 024457 | | 18.50 | | | | | |
| Mar 25/2011 | TOWN OF NEW WINDSOR | | | | | | | | |
| 402079 | PMT - PAYMENT ON ACCOUNT | 024457 | | 37.00 | | | | | |
| TOTALS | | | | | | | | | |
| PERIOD | | | | | | | | | |

REPORT SELECTIONS - Client Ledger

Layout Template

Advanced Search Filter

Requested by

Finished

Ver

Matters

Clients

Major Clients

Client Intro Letter

Matter Intro Letter

Responsible Lawyer

Assigned Lawyer

Type of Law

Select From

Matters Sort by

New Page for Each Lawyer

New Page for Each Matter

No Activity Date

Firm Totals Only

Totals Only

Entries Shown - Billed Only

Entries Shown - Disbursements

Entries Shown - Receipts

Entries Shown - Time of Day

Entries Shown - Trust

Incl. Matters with Retainer Fee

Default

None

Raina Davis

Monday, April 04, 2011 at 03:05:56 PM

9.31d

6323723

All

All

All

All

All

All

All

Active, Inactive Matters

Default

No

No

Dec 31/2199

No

No

Yes

Yes

Yes

Yes

No

Apr 4/2011

Loeb, Heller, Kennedy, Gogerty, Gaba & Rod

Page: 2

Client Ledger
ALL DATES

| Date | Received From/Paid To | Chq# | General | | Fees | Bld | Trust Activity | | | |
|---------|---|------------|---------|-------|------|------|----------------|-------|-------|---------|
| Entry # | Explanation | Rec# | Rcpts | Disbs | | Inv# | Acc | Rcpts | Disbs | Balance |
| | Incl. Matters with Neg | No | | | | | | | | |
| | Trust Account | All | | | | | | | | |
| | Working Lawyer | All | | | | | | | | |
| | Include Corrected Entries | No | | | | | | | | |
| | Show Check # on Paid Receipts | No | | | | | | | | |
| | Show Client Address | No | | | | | | | | |
| | Consolidate Payments | No | | | | | | | | |
| | Show Trust Summary by | No | | | | | | | | |
| | Show Interest | Yes | | | | | | | | |
| | Interest Up To | Apr 4/2011 | | | | | | | | |
| | Show Invoices that Payroll are Applied to | No | | | | | | | | |
| | Printed from | Register | | | | | | | | |

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 10- 23

FOR ALL WORK ON FILE:

| TASK-NO | REC | --DATE-- | TRAN | EMPL | ACT DESCRIPTION----- | RATE | HRS. | TIME | -----DOLLARS----- | | |
|-------------|--------|----------|------|------|---------------------------|--------|--------|--------|-------------------|----------------|------|
| | | | | | | | | | EXP. | BILLED BALANCE | |
| 10-23 | 430014 | 08/11/10 | TIME | MJE | MC RET TC-MARTI-TEDS CY | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 430015 | 08/11/10 | TIME | MJE | MC TC/MARTI DISC TEDS | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 431265 | 08/24/10 | TIME | MJE | MC EMC COORD MARTI MTG | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 432995 | 09/08/10 | TIME | MJE | WS MTG IAN MCDUGAL | 129.00 | 0.60 | 77.40 | | | |
| 10-23 | 437548 | 10/20/10 | TIME | MJE | MR 250 LAKE S/P | 129.00 | 0.60 | 77.40 | | | |
| 10-23 | 437856 | 10/21/10 | TIME | MJE | MR 250 LAKE S/P | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 438482 | 10/27/10 | TIME | MJE | MM 250 LAKE REG MTG | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 438484 | 10/27/10 | TIME | MJE | MC REV APP & COMM | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 441757 | 11/29/10 | TIME | MJE | MC TC/GA LAKE APP | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 441775 | 11/30/10 | TIME | MJE | MC EMC GA RE LAKE ISSUE | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 441778 | 11/30/10 | TIME | MJE | MC RVW LAKE RD ISSUE | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 443109 | 12/09/10 | TIME | MJE | MC EMC GA RE 250 LAKE | 129.00 | 0.30 | 38.70 | | | |
| | | | | | | | | | 477.30 | | |
| 10-23 | 442098 | 12/08/10 | | | BILL 10-2553 | | | | | -361.20 | |
| | | | | | | | | | | -361.20 | |
| 10-23 | 477586 | | | | PD/CR 10-2553 PD 01/20/11 | | 361.20 | | | | |
| 10-23 | 445606 | 01/05/11 | TIME | MJE | MC EMC IAN C-NBG RE 250 | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 445607 | 01/05/11 | TIME | MJE | MC EMC NICOLE COORD | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 445611 | 01/05/11 | TIME | MJE | MR RVW 250 LAKE S/P | 129.00 | 0.50 | 64.50 | | | |
| 10-23 | 445668 | 01/06/11 | TIME | MJE | MR RVW 250 LAKE S/P | 129.00 | 0.30 | 38.70 | | | |
| 10-23 | 445671 | 01/06/11 | TIME | MJE | MC EMC NIC RE APP ISSUE | 129.00 | 0.20 | 25.80 | | | |
| 10-23 | 447070 | 01/12/11 | TIME | MJE | MM REG MTG 250 LAKE | 129.00 | 0.30 | 38.70 | | | |
| | | | | | | | | | 232.20 | | |
| 10-23 | 446347 | 01/19/11 | | | BILL 11-300 | | | | | -309.60 | |
| 10-23 | 449154 | 02/17/11 | | | BILL 11-462 | | | | | -38.70 | |
| | | | | | | | | | | -348.30 | |
| 10-23 | 477913 | | | | PD/CR 11-462 PD 03/10/11 | | 38.70 | | | | |
| TASK TOTAL | | | | | | | | 709.50 | 0.00 | -709.50 | 0.00 |
| GRAND TOTAL | | | | | | | | 709.50 | 0.00 | -709.50 | 0.00 |

REGULAR ITEMS:

250 LAKE STREET SITE PLAN (10-23)

MR. ARGENIO: Next on tonight's agenda, regular items 250 Lake Street site plan. This application involves a use of a portion of the parking area of the former Miron Lumber property on Route 32 as a motorcycle safety school. The plan was previously reviewed at the 27 October ,2010 planning board meetings.

MR. BODENDORF: You want me to open the map?

MR. ARGENIO: Please open a map. For the benefit of the members, this is primarily impacting the City of Newburgh and quite frankly, I think they should be there at their planning board. We had, to refresh everybody's memory, the Town of New Windsor has one concern and one concern only about the parking. Mark, I would like it if you would just refresh everybody's memory on that parking issue and then we'll get to the applicant.

MR. EDSALL: Our only concern and it was vetted with discussions with the board was the fact that the overall property includes the New Windsor portion and the City of Newburgh portion with the City of Newburgh being the large former Miron retail building which relies to some extent on parking that's on the New Windsor parcel. And our only concern was that there would be some protection, more protection for the City of Newburgh but it's really a safety issue to ensure that that parking remains available for that large retail building, whatever ultimately is used in years to come so that we wouldn't result in having inappropriate probably illegal parking out on the state highway which would be unsafe. So with that concern identified, the applicant has worked with us to create a note number four under the site notes which really requires that if the property, if either property is reviewed, it has to take into consideration the use of the City of Newburgh parcel and providing that there's adequate parking. So with that in mind, they addressed it, it's now a map note, it's not a, it's a protective measure, it's not something that's in the code, it's just good planning so we have done due diligence and added a note.

MR. ARGENIO: They have met our requirements that we have asked them essentially in layman's terms what we

4 pgs
28 -

don't want to have happen is somebody sells a portion of this property, suddenly one of the two lots that are left over, namely the one in the Town of New Windsor has inadequate parking and people are parking on Route 32 and we have a traffic problem and everybody's mad at everybody. What do you have to, so what's your name?

MR. BODENDORF: John Bodendorf from Hudson Land Design here on behalf of the applicants. Since we were last here in addition to addressing that issue with the note we have received the negative dec SEQRA determination from the city as well as conditional site plan approval, the conditions being that we secure a site plan approval from this board and the other condition is to further protect both the city and the town. In addition to that note, we're going to have the map filed with the county so there's a permanent record of it.

MR. ARGENIO: Any questions?

MR. VAN LEEUWEN: No, we've seen it before.

MS. ZAMENICK: Has the negative dec been provided to our office?

MR. ARGENIO: We'll need a copy of that

MR. BODENDORF: Okay.

MR. ARGENIO: As part of any action this board takes tonight. What's the matter?

MS. ZAMENICK: That's it until we have the negative dec we really can't go forward, if you're confident that it's okay then you can go ahead.

MR. ARGENIO: I'm confident it's okay. There's no such thing as two negative decs, right, city's lead and that's the end of that.

MR. EDSALL: We had spoken with the city's representative several times and told them that we believed that it was appropriate that they be lead agency so we have deferred now, they have acted which I did e-mail the city planner and asked that they forward a copy of the negative dec so hopefully it's on the way. That was really what was holding us up from acting. Now that they have acted I think we can.

MR. ARGENIO: Anybody have anything else, Danny or Henry?

MR. VAN LEEUWEN: No.

MR. SCHLESINGER: Want to understand something, this is a school for motorcycle safety?

MR. BODENDORF: Correct.

MR. SCHLESINGER: Is this a requirement for getting a motorcycle license?

MR. BODENDORF: I believe so, I'm not a motorcycle person and unfortunately the applicants are stuck somewhere in--

MS. ZAMENICK: It is, it's a requirement.

MR. SCHLESINGER: To get a motorcycle license you have to take this course?

MS. ZAMENICK: Yes.

MR. ARGENIO: Do you have a Harley?

MS. ZAMENICK: My dad does.

MR. SCHLESINGER: People coming to this course use the school's motorcycle or their own motorcycle?

MR. BODENDORF: I think it's both.

MR. SCHLESINGER: If they have their own motorcycle they can't drive the motorcycle cause they don't have a license yet.

MR. BODENDORF: You're probably absolutely right.

MR. SCHLESINGER: Is that correct?

MR. BODENDORF: I believe so, again, the motorcycle people could not be here tonight, they're stuck in the storm

MR. ARGENIO: Call Paul Tuttle. Look, I don't want to belabor this, there's nothing going on here, the only issue was the parking, we need negative dec, we have the negative dec, a condition of your approval will be that the negative dec is supplied to someone, Amy or

somebody supply it to Amy and Dominic who will get it to Nicole. Anybody sees fit, I will accept a motion for final on this.

MS. ZAMENICK: You need to decide if you'd like to waive the public hearing, again, there's nothing here.

MR. VAN LEEUWEN: I make a motion we waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Very much appropriate here, motion made and seconded that we waive the public hearing. Roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. SCHLESINGER | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

MR. ARGENIO: If anybody sees fit, I'll accept a motion for final.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion made and seconded. Roll call.

ROLL CALL

| | |
|-----------------|-----|
| MR. SCHLESINGER | AYE |
| MR. BROWN | AYE |
| MR. GALLAGHER | AYE |
| MR. VAN LEEUWEN | AYE |
| MR. ARGENIO | AYE |

**CITY OF NEWBURGH
BUILDING INSPECTOR'S OFFICE**

123 Grand Street
Newburgh, New York 12550

Phone: 569-7400
Fax: 569-0096

FACSIMILE COVER SHEET

Please deliver the following pages to:

Name: Nicole
Firm: New Windsor Planning Bd

This information was sent by:

Name: Margaret
Firm: City of Newburgh Planning Bd
Date: 4/11 Time: 1:00

Number of pages transmitted (including this page): 5

IF YOU DO NOT RECEIVE ALL PAGES IN LEGIBLE FORM PLEASE
CALL:

Margaret AT 569-7401
AS SOON AS POSSIBLE.

COMMENTS:

Map Dec & Resolution from Planning Bd
for 250 Lake St per your request

**CITY OF NEWBURGH
PLANNING BOARD****Lisa Daily, Chair
Margaret Hall, Secretary****123 Grand Street, Newburgh, New York
(845) 569-7435****Phone: (845) 569-7401 Fax:****RESOLUTION OF THE CITY OF NEWBURGH PLANNING BOARD****LET IT BE RESOLVED**

At the Planning Board meeting held on December 21, 2010, the Board hereby moves to approve the following site plan, wherein the Applicant proposes a motorcycle showroom and training facility for property located at 250 Lake Street;

| | |
|------------------|--|
| Index No. | 2010-09 |
| Applicant's Name | 250 Lake Street Properties, LLC |
| Property Address | 250 Lake Street, Newburgh, NY 12440 Section 42, Block 2, Lot 11 |

LET IT BE FURTHER RESOLVED

That the above-referenced site plan consists of 1 sheet (prepared by Jon D. Bodendorf, P.E., Hudson Land Design and Professional Engineering, P.C., dated June 30, 2010 and architectural plans (prepared by Jeff Wilkinson, R.A.), dated June 23, 2010s follows:

LET IT BE FURTHER RESOLVED

That the above-referenced file includes a site plan application dated July 8, 2010 and is supported with the following documents:

1. Short Form EAF;
2. Endorsement, dated July 8, 2010, from Edward G. Doering, stating that he is the Manager of 250 Lake Street Properties LLC, and authorizing the corporation to make site plan application to the Planning Board;
3. Copy of deed from NML Lake Street LLC to 250 Lake Street Properties LLC;
4. Memorandum of comments by City Engineer Craig Marti and City Planner Ian MacDougall, dated September 21, 2010;

5. Memorandum of comments by Town of New Windsor Planning Board Engineer Mark Edsall, dated October 21, 2010 regarding Town of New Windsor Planning Board Application 10-23, 250 Lake Street, New Windsor, NY, Section 9, Block 1, Lot 34.

LET IT BE FURTHER RESOLVED

That the site plan is subject to the following enumerated conditions:

1. Compliance with City Engineer's comments.
2. Note to be added to final plan indicating that if the two parcels come under separate ownership, before the New Windsor Planning Board approve a new use for the New Windsor parcel, identified as Section 9, Block 1, Lot 34, the City of Newburgh Planning Board shall demonstrate that there is adequate parking on site for use on the City of Newburgh parcel, identified as Section 42, Block 2, Lot 11.
3. Final site plan approval by the Town of New Windsor Planning Board.

Planning Board Votes

Moved by: Deirdre Glenn

Seconded by: Chad Wade

| | Aye | Nay | Abstention |
|-------------------|----------|-----|------------|
| Vera Best | <u>X</u> | | |
| Chad Wade | <u>X</u> | | |
| Ramona Monteverde | <u>X</u> | | |
| Peter Smith | <u>X</u> | | |
| Deirdre Glenn | <u>X</u> | | |
| Richard Polich | <u>X</u> | | |
| Lisa Daily | <u>X</u> | | |

Dated: April , 2011


LISA DAILY
CHAIRMAN, CITY PLANNING BOARD

12-12-79 (3/89)-9c

SEQR

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number 2010-09

Date: March 31, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Newburgh Planning Board as lead agency, has determined that the proposed action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

Site Plan for Motorcycle Showroom, museum and training facility.

SEQR Status: Type 1 ☐
 Unlisted ☒

Conditioned Negative Declaration: ☐ Yes
 ☒ No

Description of Action:

The Applicant proposes to convert an existing building, formerly a lumber supply business, to a showroom and display area for motorcycles with the surrounding land to be used for a training area for motorcycle driving. The site is approximately 12 acres and consists of two parcels, one of which is located solely within the City of Newburgh and the other located solely within the Town of New Windsor.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

250 Lake Street, City of Newburgh, County of Orange, State of New York, 12550

SEQR Negative Declaration

Page 2 of 2

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

The proposed project is consistent with the multiple zoning districts surrounding the site in both the City of Newburgh and the Town of New Windsor. There will be little site disturbance with the proposed new use with no adverse effects on existing air quality, surface or groundwater quality, noise levels, traffic patterns or waste production. The approval of the project is conditioned on the continued ownership of both parcels by a single person or entity. If the parcels come under separate ownership, before a new use will be approved by the New Windsor Planning Board for the New Windsor parcel, the City of Newburgh Planning Board must certify that sufficient on-site parking exists for the use of the City of Newburgh parcel.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Michelle Kelson, Assistant Corporation Counsel, City of Newburgh

Address: 83 Broadway, Newburgh, NY 12550

Telephone Number: 845-569-7335

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of

Other involved agencies (if any)

Town of New Windsor Planning Board

Applicant (if any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)



RESULTS OF P.B. MEETING OF: January 12, 2011

PROJECT: 250 LAKE STREET P.B. # 10-23



LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y N
TAKE LEAD AGENCY: Y N

M) S) VOTE: A N
CARRIED: Y N

M) S) VOTE: A N
CARRIED: Y N

PUBLIC HEARING: WAIVED: ✓ CLOSED:

M) Van S) Brown VOTE: A 5 N x SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y
SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: Y N

APPROVAL:

M) Van S) Schlesinger VOTE: A 5 N *final*
APPROVED: ✓

NEED NEW PLANS: Y N

*Conditions: need copy of
reg Dec*

CONDITIONS - NOTES:

*The city of Newburgh is the largest portion of the property
only the parking lot is in NW.
Reg Dec & conditional approval from City of Newburgh
map will be filed
* Need copy of Reg Dec.*

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/12/2011

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 10-23

NAME: 250 LAKE STREET SITE PLAN

APPLICANT: 250 LAKE STREET PROPERTIES, LLC

| DATE-SENT | AGENCY----- | DATE-RECD | RESPONSE----- |
|------------|------------------|------------|--------------------|
| 11/01/2010 | CITY OF NEWBURGH | 11/22/2010 | LEAD AGENCY LETTER |



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 867-3100

FAX: (845) 867-3232

E-MAIL: MHENY@MHEPC.COM

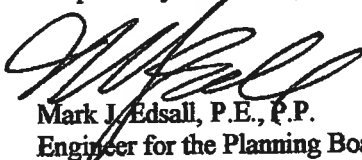
WRITERS EMAIL: MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: 250 LAKE STREET SITE PLAN
PROJECT LOCATION: 250 LAKE STREET – NYS ROUTE 32
SECTION 4 – BLOCK 1 – LOT 34
(SITE SPLIT BY MUNICIPAL BOUNDARY WITH CITY OF NEWBURGH)
PROJECT NUMBER: 10-23
DATE: 12 JANUARY 2011
DESCRIPTION: THE APPLICATION INVOLVES THE USE OF A PORTION OF THE PARKING
AREA OF THE FORMER MIRON'S PROPERTY AS A MOTORCYCLE
SAFETY SCHOOL. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27
OCTOBER 2010 PLANNING BOARD MEETING.

1. The site is split by the municipal boundary between the Town of New Windsor and City of Newburgh (involved lot in C/Newburgh is S42-B2-L11). It is our understanding the applicant also has an active companion application currently before the City of Newburgh Planning Board.
2. My concern with regard to the "split site" and parking has been addressed with Note #4 on the plan.
3. I believe the City Planning Board has assumed Lead Agency for the application; I have contacted their representative requesting confirmation.
4. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,


Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW10-23-12Jan11.doc

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 840 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



*Civil & Environmental Engineering Consultants
176 Main Street, Beacon, New York 12508
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com*

10-23

December 22, 2010

Chairman Genaro Argenio
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: 250 Lake Street Site Plan (New Windsor PB# 10-23)
Tax ID: 42-2-11 (C/O Newburgh) & 9-1-34 (T/O New Windsor); +/- 12.07 acres


Dear Chariman Argenio and Members of the Planning Board:

The above referenced project received a Negative Declaration SEQRA determination and conditional Site Plan approval at the December 21, 2010 City of Newburgh Planning Board meeting. Accordingly, Hudson Land Design has enclosed ten (10) copies of a revised Site Plan that addresses the comments contained in the October 27, 2010 review letter from the Town Engineer. Specifically, the following changes were made:

- A note was added (Site Specific Note 4) which states "Should the New Windsor tax parcel and City of Newburgh tax parcel become under separate ownership, prior to the New Windsor Planning Board approving a separate or new use for the parcel in New Windsor, it shall be demonstrated (and accepted by the City Planning Board) that adequate parking has been provided for the remaining site in the City of Newburgh."
- The Town of New Windsor Planning Board approval box was relocated to the lower right hand area of the plan when folded.

We respectfully request to be placed on the next available Planning Board agenda to request Site Plan approval from the Board. Should you have any questions or require additional information, please feel free to call me at 845-440-6926.

Sincerely,



Jon D. Bodendorf, P.E.

RECEIVED DEC 22 2010
10-23



PROJECT: 250 LAKE street P.B. # 10-23

NEGATIVE DEC:

M) _____ S) _____ VOTE: A _____ N _____

CARRIED: Y_____N_____

WAIVED: _____ CLOSED: _____

SCHEDULE P.H.: Y N

SEND TO DEPT. OF TRANSPORTATION: Y

RETURN TO WORK SHOP: Y N

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

- * They need to get back to city of Newburgh
- * LA needs to be done by city of Newburgh.
- * Get Don minutes so he can send to Newburgh



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E. (NY & NJ)

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E-MAIL: MHENY@MHEPC.COM

WRITERS EMAIL: MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: 250 LAKE STREET SITE PLAN
PROJECT LOCATION: 250 LAKE STREET – NYS ROUTE 32
SECTION 4 – BLOCK 1 – LOT 34
(SITE SPLIT BY MUNICIPAL BOUNDARY WITH CITY OF NEWBURGH)
PROJECT NUMBER: 10-23
DATE: 27 OCTOBER 2010
DESCRIPTION: THE APPLICATION INVOLVES THE USE OF A PORTION OF THE
PARKING AREA OF THE FORMER MIRON'S PROPERTY AS A
MOTORCYCLE SAFETY SCHOOL. THE PLAN WAS REVIEWED ON A
CONCEPT BASIS ONLY.

1. The site is split by the municipal boundary between the Town of New Windsor and City of Newburgh (involved lot in C/Newburgh is S42-B2-L11). It is our understanding the applicant also has an active companion application currently before the City of Newburgh Planning Board.

It is my understanding that the proposed motorcycle safety school use is a separate or accessory use to the existing building, but is not a primary use on the site. It would be beneficial for the applicant to advise the Planning Board of the existing uses in the building and on the site, and how they relate to this application.

I am not sure that this Planning Board would feel comfortable approving this use as a principal use since no buildings are located on the New Windsor parcel. As such, if this Board intends to consider it accessory to the building on the City parcel, I believe consideration of my comments below regarding "linkage" between the two parcels is supported.


2. It is interesting to note that the site plan appears to indicate that the entire parking area on the south side of the existing main building (including the curb cut to the State Highway) are within the Town of New Windsor. The application proposes to use the rear paved area of this "New Windsor portion" for the motorcycle safety training area, as well as another portion of paved area within the City parcel.

REGIONAL OFFICES

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• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

3. My concerns with regard to the proposed use are limited; however the application raises a general concern regarding the need to "tie" the parking parcel (in New Windsor) to the building use (within the City). My concern rests with the potential for a sale of the New Windsor parcel separate from the building parcel (in the City) which would likely result in a parking deficiency for the building and could result in undesirable (and unsafe) parking on the State Highway. It is my recommendation that the Planning Board work with the City Planning Board to "link" these two parcels such that this possibility can be avoided. Perhaps the Attorney for the Planning Board can prescribe the correct method to accomplish the same.
4. Normally since the application is within 500 ft. of the inter-municipal boundary, a GML 239-nn referral would be required to the City of Newburgh. Given the fact there are applications before both Planning Boards, perhaps the Attorney for the Planning Board can advise if the requirement for the referral is not needed. For information, I have spoken with the City Engineer and he agrees a referral is not appropriate or needed.
5. The Attorney for the Planning Board should confirm that the referral to the Orange County Department of Planning is still required.
6. The plan should be revised to relocate the approval box to lower right-right hand area of plan when folded (per Town PB submittal policy).
7. The Planning Board should discuss the SEQRA Lead Agency position for this project. Since a site plan approval is also required from the City of Newburgh Planning Board, and that site includes the permanent improvements (buildings etc), this Board may want to communicate with the City Board their desire for that Board to take the Lead Agency role. If so decided, I will communicate with the City Board in this regard.
8. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW10-23-27Oct10.doc

250_LAKE_STREET_SITE_PLAN_(10-23)

MR. ARGENIO: The 250 Lake Street site plan is next. Application involves the use of a portion of the parking area of the former Miron's property as a motorcycle safety school. The plan was reviewed on a concept basis only. This is right at the intersection of Lake Street and Route 32 right at the City of Newburgh-Town of New Windsor line. Whoever's representing the applicant please give your name or maybe you're the applicant.

MR. DOERING: Edward Doering and this is our engineer, John Bodendorf.

MR. ARGENIO: Tell us what you're looking at here or what you'd like to do here.

MR. BODENDORF: Well, basically, you described pretty much in a nutshell, it's an existing building wholly within the City of Newburgh but--

MR. ARGENIO: Can you put your finger on the City of Newburgh-Town of New Windsor line?

MR. BODENDORF: It runs along the building face and this portion here is the parcel that's in the Town of New Windsor, historically been used for parking for the Miron building and that's the plan for this use as well with the exception that there's a small area in the back where they have planned to operate the motorcycle safety school.

MR. ARGENIO: Mark, let me interrupt you for a minute, sir, and my apologies, unless I'm missing something, why are these guys here? This is the piece that's in the Town of New Windsor right here?

MR. EDSALL: Their proposed activity is partially within the Town of New Windsor. Yes, it raises, if you

8 pgs
\$56.00

want me to go ahead with the, probably the only concern and it's more a concern that I believe we should put on the record and then pass on to the city to deal with.

MR. ARGENIO: That's what I'm thinking they should should be at the City of Newburgh Planning Board.

MR. EDSALL: They are, they are at both, there are reasons why they are here but obviously the City of Newburgh's participation is much greater. The difficulty or concern that I have and this happens in many cases where a site plan is split between lots, today it's even more complicated because the lots are in two different municipalities. My concern is that if the New Windsor parcel via some activity was sold off that parking would no longer be available to serve the building in the City of Newburgh. Although we can take the attitude blindly that who cares, it's a city problem, the problem is the parking could end up on the highway partially in New Windsor, partially in the city and cause a hazard.

MR. ARGENIO: It's a problem for everybody at that point.

MR. EDSALL: So my suggestion is that we raise this issue with the city, in many cases what we have done when we have lots within New Windsor that are split is that there's some mechanism performed, be it deed restriction, some type of linkage so that the two parcels can't be conveyed separately without municipal approval because effectively this parking is needed if that building was fully occupied. So again, the shortage is going to occur in the City of Newburgh, not New Windsor, I think it's just good planning to offer to work with the City of Newburgh to protect that from happening. These folks the best I can tell have nothing to do with that potential. The point is it's in front of us now, the issue should be raised if the city cares to do something we can cooperate with them.

But now back to the issue of why are they here, very limited application, their use which has no buildings, purely an inactivity is occurring partially in New Windsor, my suggestion is we expedite our end, share our concerns with Newburgh, let Newburgh be the lead agency and once you have City of Newburgh approval come back and we'll approve it. A lot less complicated than Wal-Mart that has the town line going through the middle of the building between the Town of New Newburgh and the Town of New Windsor, this one there's no building split.

MR. ARGENIO: You guys okay with everything he's saying more or less?

MR. BODENDORF: I guess I just want to clarify two items, I totally understand the concern with the two parcels but I just want to make sure that it's not going to ever impact the current owner but if a future owner wants to come in and do something different with that site then they have the potential to come back and perhaps remove that deed restriction if they want to do separate things potentially convey the New Windsor parcel to the adjacent owner.

MR. CORDISCO: I'm not sure that that would be in the nature of a deed restriction. It's something that we'd have to explore with the corporation counsel for the City of Newburgh. I'm sure it's the tail wagging the dog but we want the concern to be addressed because there is a number of scenarios where the lot that's in New Windsor could change hands. For instance, you could stop paying your taxes on it and it could go for taxes. So all of a sudden it's sold at tax sale and you no longer are the owner of it but it's the use of it is attached to what you're proposing to do. And there's other ways that we can explore that but I think the issue at this point is that we're just raising it as a issue on that particular item. I'm proposing that I speak with Bernis Shapiro, corporation counsel for

the city of Newburgh and see what their thoughts and intentions are to link these two together.

MR. DOERING: I think they mentioned that and I think their counsel was there at our other meeting and thought that a deed restriction wasn't possible. There wasn't any legal guidelines, also nothing that the total parcel is 12 acres so there's a lot more land available for parking.

MR. ARGENIO: You just stated what I was thinking just now like you were reading my mind, the only problem with that is is that the one access is in the Town of New Windsor, the other access is in the City of Newburgh and if you lost the one parcel you don't have access around the building but I'm sure that could be remedied.

MR. DOERING: If you have for fire and everything else.

MR. ARGENIO: Mark, I understand your concern. Neil or if anybody disagrees with me, please speak up, I just don't think this is ours to get into.

MR. EDSALL: No.

MR. ARGENIO: I don't discount your concerns but--

MR. EDSALL: I think it's more the city's concern than ours. So that's why I suggest that when Dom corresponds with the city corporation counsel, a copy of these minutes could be attached, I think in the minutes it may be wise for you to affirmatively state you believe the city planning board should be lead agency.

MR. ARGENIO: Danny, you okay with this?

MR. GALLAGHER: Yes.

MR. SCHLESINGER: I'm fine with it too.

MR. VAN LEEUWEN: No problem.

MR. ARGENIO: It's all the City of Newburgh.

MR. SCHLESINGER: Why don't they take the whole thing?

MR. VAN LEEUWEN: We have to approve it.

MR. SCHLESINGER: Not if the whole project is in the City of Newburgh.

MR. EDSALL: We can't move the town line.

MR. VAN LEEUWEN: If it's on the town line the Town of New Windsor must approve.

MR. ARGENIO: So at the end of the day, Mark, I think that they should be, I think it's the decision of the board based on an informal pole that the City of Newburgh be dealing with this, that you two guys take whatever necessary precautions you feel need to be taken to include verbiage so one piece doesn't get peeled off and we have a building lot with substandard parking which as the applicant said would be seemingly difficult because you have all the property in the back that you can turn into parking. So we'll do a me-too at this, at some point in time at a later date. What do we need to do here?

MR. CORDISCO: I was just discussing that with Mr. Edsall, we would anticipate that the City of Newburgh would want to be lead agency for SEQRA review.

MR. ARGENIO: That would be great.

MR. CORDISCO: There's no process for us to say we don't want to be until somebody else says that they want to. So there's no ability to circulate a notice

saying we don't want to be lead agency. But in any event, that's a topic for me to discuss with Mrs. Shapiro. The other item is that General Municipal Law 239 NN requires referral of applications when they're within 500 feet of a municipal border. Obviously, they're here and they're also in the city, we want to confirm in writing that there's no need as a formality for us to be sending them what they have already sent us.

MR. ARGENIO: The city?

MR. CORDISCO: Yeah, that's right. So we just want to confirm this, those are just two minor procedural items and that's the extent of my comments.

MS. GALLAGHER: We have pictures of a sign here, freestanding sign, is that going where the existing sign is now?

MR. BODENDORF: Yes.

MS. GALLAGHER: In Newburgh?

MR. BODENDORF: Yes.

MR. VAN LEEUWEN: That's why I put it away already.

MR. ARGENIO: What do we need to do?

MR. EDSALL: I believe the minutes are now full of all the discussions. Mr. Cordisco can contact corporation counsel and we'll refer it back to the city.

MR. ARGENIO: It's between you guys and the City of Newburgh.

MR. BODENDORF: That's understood. But this board can't grant conditional approval so that we can then take that back understanding that we need to work those

issues out?

MR. CORDISCO: We can't without SEQRA.

MR. ARGENIO: Well, I think that I, when I used the term me too before, Dominic, it would seem to me that if they go to the City of Newburgh and get their affairs in order, we can just handle it as a discussion item at some point in time once they get squared away with the city.

MR. EDSALL: We've got a number of things that have to happen before you can grant approval, SEQRA's got to be satisfied, we don't even have a finalization of lead agency. I reference the 239 NN in my comments but I also reference 239 N which is the county referral because it's adjacent to the municipal boundary.

MR. ARGENIO: I'm okay with all this.

MR. EDSALL: But it's just paperwork.

MR. ARGENIO: Let them deal with it with the City of Newburgh.

MR. EDSALL: The city can't make our referrals, as long as you authorize Dom and I to do what paperwork is needed they'll go to the city and come back one more time.

MR. BODENDORF: Maybe there was a misunderstanding on my part, I thought after the work shop meeting the discussion between I and at the city and whoever was at that meeting there was a discussion about doing separate SEQRA reviews to shorten the process but--

MR. ARGENIO: Separate SEQRA reviews?

MR. CORDISCO: I mean theoretically you could do separate SEQRA.

MR. ARGENIO: I don't, this is making my hair hurt, we're talking about this too much. This is not, there's no issue, we have a little slab of parking that's in the Town of New Windsor.

MR. BODENDORF: We'll take this information back to the city, get through that process and then come back.

MR. ARGENIO: Quite frankly, what you're proposing in addition to the fact that it's in the City of Newburgh it's not this tremendous, egregious impact.

MR. BODENDORF: No, it's not.

MR. VAN LEEUWEN: You're trying to build a mountain and all you've got is a molehill.

MR. ARGENIO: You're authorized to do what you need to do, you guys, let's keep these nice folks moving and thank you for coming in and thank you for sharing with us. And I can't imagine you having a problem with those folks. Thank you.

CITY OF NEWBURGH
PLANNING BOARD

Lisa Daily, Chairperson
Margaret Hall, Secretary

123 Grand Street, Newburgh, New York 12550

(845)569-7401 (845)569-0096

November 17, 2010

Genero Argenio, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553



Re: SITE PLAN for Motorcycle Showroom and Training Facility
Location: 250 Lake Street near the boundary with Town of New Windsor

Dear Mr. Argenio:

The City of Newburgh Planning Board has pending before it a Site Plan for a Motorcycle Showroom and Training Facility on the property known as 250 Lake Street near the boundary with the Town of New Windsor. The total site consists of 12 acres, which includes a parcel located within the Town of New Windsor.

A letter of response with regard to your interest in the assumption of Lead Agency as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process sent to the City of Newburgh Planning Board, 123 Grand Street, Newburgh, New York 12550 would be most appreciated, as soon as possible. Should no other agency or group desire the lead agency position, it is the City of Newburgh Planning Board's intention to assume such role. Should the City Planning Board fail to receive a response requesting lead agency within (30) thirty days, it will be understood that you do not have an interest in the lead agency position.

If you have any questions regarding this application, please contact Assistant Corporation Counsel Michelle Kelson at 845-569-7335. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Lisa Daily/mk".

Lisa Daily
Chairperson

LD/mk

cc: Craig Marti, City Engineer
Ian MacDougall, City Planner

10-23

RECEIVED NOV 22 2010

Michelle Kelson, Assistant Corporation Counsel
Margaret Hall, Planning Board Secretary
Mark Edsall, New Windsor Planning Board Consulting Engineer
Dominic Cordisco, New Windsor Planning Board Attorney

10-23

RECEIVED NOV 22 2010

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 09/22/2010

FOR: PB#10-23 ESCROW

FROM: 250 LAKE STREET PROPERTIES LLC

9 SCOBIE DRIVE

NEWBURGH, NY 12550-3258

CHECK NUMBER: 1012

AMOUNT: 750.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME Plumage DATE 9-23-10

PB # 10-23 ESCROW 1012

250 LAKE STREET PROPERTIES LLC
9 SCOBIE DR.
NEWBURGH, NY 12550-3258

DATE 9-21-2010 1-2 3359 210

Pay to the order of Town of New Windsor \$ 750.00

Seven Hundred & Fifty

CHASE JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

Escrow fee Planning Board App.

6802779877

PB # 10-23

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#445-2010

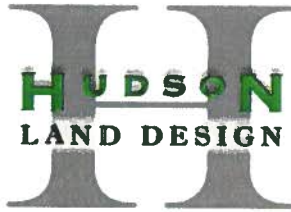
09/23/2010

250 Lake Street Properties L L C

Received \$ 125.00 for Planning Board Fees, on 09/23/2010. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



*Civil & Environmental Engineering Consultants
176 Main Street, Beacon, New York 12508
Phone: 845-440-6926 Fax: 845-440-6637
www.HudsonLandDesign.com*

September 22, 2010

Chairman Genero Argenio
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

Re: 250 Lake Street Site Plan
Tax ID: 42-2-11 (C/O Newburgh) & 9-1-34 (T/O New Windsor); +/- 12.07 acres

Dear Chariman Argenio and Members of the Planning Board:

Hudson Land Design (HLD) has been retained by 250 Lake Street Properties, LLC to provide site civil engineering services. HLD has attended workshop meetings with the City of Newburgh and Town of New Windsor for the above referenced property, and also attended an initial Planning Board meeting in the City of Newburgh. We are submitting a package to amend the Site Plan approval that was granted for the site when it was previously operated as a retail lumber and supplies facility. No new construction is proposed; however, the existing building will serve a different function than in the past (office space; gallery space and storage), and a motorcycle safety school will operate in the rear of the parcel. A parking striping plan has been prepared to accommodate these uses. This change in use will require site plan approval from the Planning Board. On behalf of the Owner/Applicant, HLD has enclosed the following:

- Original and two (2) copies of the planning Board Application
- Original and two (2) copies of the Agent/Owner proxy Statement
- Original and two (2) copies of the Site Plan Checklist
- Original and two (2) copies of the Short Form EAF
- Ten (10) copies of the Site Plan, sign detail, and cycle safety school diagrams
- One (1) check for Application fee of \$125
- One (1) check for Escrow of \$750

10-23.

RECEIVED SEP 22 2010



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone (845) 563-4615
Fax (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan ☒ Special Permit _____

Tax Map Designation: Sec. 9 Block 1 Lot 34
42 2 11 (City of Newburgh)

BUILDING DEPARTMENT TRACKING NUMBER: PA -

1. Name of Project 250 Lake Street Site Plan

Address: 250 Lake St Newburgh NY 12550
(Street Name & Number) (Post Office) (State) (Zip)

2. Owner of Record 250 Lake Street Properties, LLC Phone 845-565-2800

Address: 250 Lake Street Newburgh NY 12550
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant (same as Owner) Phone _____

Address: _____
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Hudson Land Design, PC Phone 845-440-6926

Address: 176 Main St Beacon NY 12508
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney Attorney Allan Rapley, Esq. Phone 845 454 1110

Address: 35 Market St Poughkeepsie, NY 12601
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear Planning Board Meeting: E-MAIL: j.bodendorf@hudsonlanddesign.com

Jon Bodendorf 845-440-6926 845-440-6637
(Name) (Phone) (Fax)

7. Project Location: On the Northwest Side of Lake Street

8. Project Data: Acreage ±12.07 (total) Zone C School Dist. C/S Newburgh

10-23

RECEIVED SEP 22 2010

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No ✓

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Parcel in New Windsor to be used for parking and cycle safety school; auxiliary uses to office/warehouse/storage/gallery use

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no ✓

12. Has a Special Permit previously been granted for this property? yes _____ no ✓

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

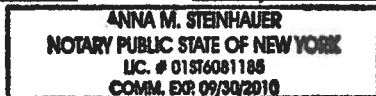
COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

1 Edward J. Doern
(OWNER'S SIGNATURE)

21st DAY OF September 2010



Anna M. Steinhauer
NOTARY PUBLIC

(AGENT'S SIGNATURE)

Please Print Agent's Name as Signed

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

Edward Doering, deposes and says that he resides
(OWNER)
at 250 Lalce St, Newburgh, NY 12550 in the County of Orange
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 9 Block 1 Lot 34) - TOWN OF NEW WINDSOR
designation number (Sec. 42 Block 2 Lot 11) which is the premises described in
the foregoing application and that he designates: CITY OF NEWBURGH

(Agent Name & Address)

Jon Bodendorf, PE (Hudson Land Design, PC)
(Name & Address of Professional Representative of Owner and/or Agent)

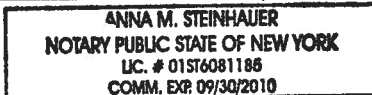
as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.**

SWORN BEFORE ME THIS:

****** Edward S. Doering
Owner's Signature (MUST BE NOTARIZED)

21st DAY OF September 2010)



Anna M. Steinhauer
NOTARY PUBLIC

Agent's Signature (If Applicable)

Jon Bodendorf
Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

PLANNING BOARD APPLICATION SUBMITTAL CHECKLIST

The following items are to be returned to the Planning Board Secretary, **complete as a package**, to make application to appear before the Planning Board:

CHECK OFF

(ONE ORIGINAL & TWO COPIES OF ALL EXCEPT PLANS)

- | | |
|--|-------|
| 1. Completed Page 1 and 2 of Application form. (Original Copy) | ✓ |
| 2. Agricultural Data Statement (If you answer yes to #9 on application) | _____ |
| 3. Applicant/Owner Proxy Statement (Original) <u>(MUST HAVE IF APPLICABLE)</u> | ✓ |
| 4. a. Applicable completed Check List for subdivision/L.L. Chg. or Site Plan | ✓ |
| b. Approval box on all sheets of plan as described in #4 of Subdivision Check List and #2 of Site Plan Check List. | _____ |
| 5. Short Form EAF (Unless instructed to prepare long form). (Original & two copies) | ✓ |
| 6. Flood Hazard Area Development Application. | _____ |
| 7. EIGHT Sets of plans – folded to fit in legal size file folder with name block showing. | ✓ |
| 8. SEPARATE CHECKS AS FOLLOWS: (Choose appropriate category for your project) | |

SITE PLANS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

| | | | |
|--|----------|----------|--------------------------|
| Special Permit Application and Review Fee..... | \$250.00 | | |
| Application fee..... | \$125.00 | | |
| Escrow (<u>Unless other amount specified at workshop</u>) | \$750.00 | \$ _____ | <u>125</u> <u>750</u> |
| (Additional escrow due for multi-family dwellings) | | | |

SUBDIVISIONS:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

| | | | |
|---|----------|--|--|
| Application Fee...(minor subdivision only)..... | \$ 75.00 | | |
| Application Fee...(major subdivision only)..... | \$150.00 | | |

ESCROW:

| | | | |
|--|----------------|--|--|
| Residential: \$200.00 each - for each of first 4 lots | | | |
| \$100.00 for each additional lot - | Total:\$ _____ | | |

| | | | |
|---|----------------|--|--|
| Commercial: \$500.00 each - for each of first 4 lots | | | |
| \$200.00 for each additional lot - | Total:\$ _____ | | |

LOT LINE CHANGE:

Two Separate Checks: (One check for application fee and separate check for escrow amount)

| | | | |
|--|---------------|----------|--|
| Application fee..... | \$75.00 | | |
| Escrow (Unless other amount specified at workshop). | \$200.00..... | \$ _____ | |

PLEASE NOTE: ADDITIONAL FEES DUE UPON COMPLETION OF PLANNING BOARD REVIEW.

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD

TO WHOM IT MAY CONCERN:

In the best interest of the Applicant, it is necessary for the Town Departments and Planning Board Engineer to review and make their recommendations to the Planning Board prior to the applicant's appearance before the Planning Board. Prior to formal submittal of an application to the Planning Board, the applicant, or representative for the applicant, must appear at a Planning Board work session. Work sessions are held on Wednesday of the week before the scheduled Planning Board meetings. Appearance at the work sessions are by appointment only and can be scheduled by calling the Secretary to the Planning Board Monday through Friday (8:30 to 4:30) at (845) 563-4615.

Under the Zoning and Subdivision Regulations of the Town of New Windsor, the applicant must present plans to the Planning Board Office on or before the scheduled deadline date to be placed on an available planning board agenda.

ALL COMPLETED APPLICATION FORMS (one original set & two copies) , REQUIRED SUBMITTAL FEES AND TEN (10) FOLDED SETS OF DRAWINGS, MUST BE SUBMITTED, TOGETHER AS A PACKAGE, TO THE SECRETARY FOR THE PLANNING BOARD PRIOR TO THE SUBMITTAL DEADLINE DATE TO BE PLACED ON THE NEXT AVAILABLE AGENDA.
Each set of drawings is to be folded separately to fit a standard legal size file folder.

Failure to submit your plans will mean the Planning Board will **NOT** review your application at the time of your appearance before the Board. Your plans will be accepted for review and you will then be rescheduled for another appearance before the Planning Board.

The Applicant should be aware that depending on the location, type and size of the project, additional reviews by State and County agencies may be required.

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. ✓ Applicant's Name(s)
4. ✓ **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO**
5. ✓ Applicant's Address
6. ✓ Site Plan Preparer's Name
7. ✓ Site Plan Preparer's Address
8. ✓ Drawing Date
9. ✓ Revision Dates
10. ✓ Area Map Inset and Site Designation
11. ✓ Properties within 500' of site
12. _____ Property Owners (Item #10)
13. _____ Plot Plan
14. ✓ Scale (1" = 50' or lesser)
15. ✓ Metes and Bounds
16. ✓ Zoning Designation
17. ✓ North Arrow
18. ✓ Abutting Property Owners
19. ✓ Existing Building Locations
20. ✓ Existing Paved Areas
21. _____ Existing Vegetation
22. ✓ Existing Access & Egress

23. _____ Landscaping
24. _____ Exterior Lighting
25. _____ Screening
26. ☒ Access & Egress
27. ☒ Parking Areas
28. ☒ Loading Areas
29. _____ Paving Details (Items 25 - 27)
30. _____ Curbing Locations
31. _____ Curbing through section
32. ☒ Catch Basin Locations
33. _____ Catch Basin Through Section
34. ☒ Storm Drainage
35. ☒ Refuse Storage
36. _____ Other Outdoor Storage
37. _____ Water Supply
38. _____ Sanitary Disposal System
39. _____ Fire Hydrants
40. ☒ Building Locations
41. _____ Building Setbacks
42. _____ Front Building Elevations
43. _____ Divisions of Occupancy
44. _____ Sign Details
45. ☒ Bulk Table Inset
46. ☒ Property Area (Nearest 100 sq. ft.)
47. _____ Building Coverage (sq. ft.)
48. _____ Building Coverage (% of total area)
49. _____ Pavement Coverage (sq. ft.)
50. _____ Pavement Coverage (% of total area)
51. _____ Open Space (sq. ft.)
52. _____ Open Space (% of total area)
53. ☒ No. of parking spaces proposed
54. ☒ No. of parking spaces required

PAGE 2 OF 3

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY
WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN**

500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT,
PLEASE NOTE THE FOLLOWING:

55. _____ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
56. _____ A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  9/24/10
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

ATTACHMENTS

- A. Certificate Flood Hazard Area Development.

I Jon Bodendorf, PE hereby certify that the property or properties mentioned in this application is/are not located in a flood zone.


Signature

PLEASE NOTE:

***IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH PLANNING BOARD APPLICATION**

****IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE OBTAIN COMPLETE APPLICATION FROM P.B. SECRETARY.**

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

| | |
|--|--|
| 1. APPLICANT/SPONSOR <u>250 Lake Street Properties, LLC</u> | 2. PROJECT NAME <u>250 Lake Street Site Plan Modification</u> |
| 3. PROJECT LOCATION: Municipality <u>City of Newburgh, Town of New Windsor</u> County <u>Orange</u> | |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>250 Lake Street and 2 Windsor Highway</u> <u>Newburgh, NY 12550 New Windsor, NY 12553</u> (see MAP) | |
| 5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration | |
| 6. DESCRIBE PROJECT BRIEFLY: <u>Site under new ownership and building has different uses than previous owner</u> | |
| 7. AMOUNT OF LAND AFFECTED: Initially <u>± 12.07</u> acres Ultimately <u>± 12.07</u> acres | |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly | |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: | |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: | |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Edward G. Doering, 250 Lake Street Properties LLC</u> Date: <u>7/8/10</u> Signature: <u>Edward G. Doering</u> | |

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? ☐ Yes ☒ No If yes, coordinate the review process and use the FULL EAF.

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. ☐ Yes ☒ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: *NONE*

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: *NO*

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: *NO*

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: *NO*

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: *NO*

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: *NO*

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: *NO*

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? ☐ Yes ☒ No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? ☐ Yes ☒ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)